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IN THE DRAWINGS

Please amend the drawings as follows:

Please replace FIG 4 with the attached Replacement drawing of FIG. 4.

Attorney Docket No.: 010501
Customer No.: 23696

PATENT**REMARKS**

Claims 1-24 and 35-56 remain in the application. Claims 1-24 and 33-56 have been rejected.

Applicant respectfully responds to this Office Action.

Drawings

The Examiner objected to the drawings because in Fig. 4 the BLOCK ENCODER currently labeled numerically as "404" should be relabeled as "406", in accordance with the specification on page 12, paragraph 1044, line 3.

Applicant has corrected Fig. 4 as requested by the Examiner and respectfully requests approval of the drawings.

Specification

The Examiner requested the following changes to the specification:

- On page 1, line 1, the status of the application has not been updated because Applicants find no application mentioned in any paragraph found on page 1. Applicants have updated all application within the specification.
- On page 12, paragraph 1044, line 3, "decoder" should be changed to "encoder";
lines 7, 8, and 14 "504(1)" should be changed to "504";
line 12, "504(4)" needs to be changed to "504". These changes have been made.
- On page 13, paragraph 1046, line 5, "decoder" should be changed to "encoder". This change has been made.
- On page 14, paragraph 1049, line 6 "(not shown)" should be changed to "416". This change has been made.
- On page 17, line 1 and paragraph 1056, line 5, on page 19, line 8 and page 23, paragraph 1067, line 10, the serial number of the cited co-pending application should be updated. These changes have been made.
- On page 18, last line, "P₃" should be changed to "P₂". This change has been made.

PATENT**Claim Rejections 35 U.S.C. § 112**

Claims 1-24 and 33-56 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 was objected to as the preamble calls for a method for reducing power consumption of a subscriber station, however, the body of the claim contains only the determining and terminating steps. The Examiner stated: "One cannot determine from the claim body how the power consumption of a subscriber station would be reduced based on these method steps since there is no correlation between the power consumption of a subscriber station and these method steps. Therefore, the claim is vague and indefinite." Applicant submits that there is a correlation between determining a number of frames that must be received correctly; and terminating the reception of the frames when said determined number of frames is received correctly. When the determined number of frames is received, the subscriber station stops receiving additional frames. Since the subscriber station is not receiving frames it is not expending power. Therefore, power consumption at the subscriber station is reduced. Applicant submits that claim 1 is not vague and indefinite and requests that the rejection be removed.

Claims 2-9 are allowable as depending directly or indirectly from an allowable base claim.

The Examiner rejected claim 10 as vague and indefinite stating: "the preamble calls for a method for performing hard handoff on a common broadcast channel and the claim body includes a step for determining a need for handoff. However, the claim body does not contain any actual step(s) that relates to how or when the hard handoff is performed. Further, there is no linkage/correlation between the frames in the determining step and the frames in the receiving step; it cannot be determined if they are the same frames. How the frames associated with the hard handoff?" Applicant submits that the requested information is contained within claim 10. A number of limitations that relate to the performance of the hard handoff, specifically "identifying at the subscriber station at least one sector belonging to a soft handoff group different from a soft handoff group including the first sector" and "beginning reception of frames from the identified at least one sector". These limitations explicitly indicate how the handoff is performed. In addition, the detailed description provides a full description of the hard handoff process.

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Therefore, Applicants respectfully submit that claim 10 is not vague or indefinite and request that the rejection of claim 10 be withdrawn.

Claims 11-19 are allowable as depending directly or indirectly from an allowable base claim.

The Examiner rejected claim 20 for the same reasons given for claim 10 above. Applicant submits that the same reasons given above for claim 10 apply to claim 20 and request that the rejection be withdrawn.

Claims 21-24 are allowable as depending directly or indirectly from an allowable base claim.

Claim 33 was rejected for the same reasons given for claim 1. Applicants submit that claim 33 is allowable for the same reasons given above for claim 1.

Claim 42 was rejected for the same reasons given for claim 10. Applicants submit that claim 42 is allowable for the same reasons given above for claim 10.

Claim 52 was rejected for the same reasons given for claim 20. Applicants submit that claim 52 is allowable for the same reasons given above for claim 20.

Claims 14 and 15 were rejected as the phrase "said determined amount of redundancy" lacked antecedent basis. The Examiner treated the claims as though they depended from claim 11. Both claims depend from claim 10. Claim 14 has been amended to correct the antecedent basis problem. As claim 15 depends from claim 10 and not claim 11 there is no antecedent basis rejection for claim 15.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 2, 4-7, 9, 33, 34, 36-39, and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,012,159 to Fisher (hereinafter "Fisher").

To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure." In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

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Applicants respectfully submit that a prima facie case of obviousness has not been established regarding claims 1, 2, 4-7, 9, 33, 34, 36-39 because the prior art cited does not teach or suggest all the claim limitations. Specifically, the cited prior art does not disclose or suggest the limitation "determining a number of frames that must be received and decoded correctly by an inner decoder for an outer decoder to correctly decode the received frames" as found in Applicants' invention.

Fisher discloses a method and system for error-free data transfer. (Title) The method is directed to the transmission of large digital objects over a one-way broadcast satellite system to overcome the effects of burst errors which conventional EDAC methods fail to correct altogether and retransmission fails to correct completely. (Col. 4, lines 28-34) The original packet sequence is transformed into an encoded packet sequence, so that if any combination of encoded packets, equal in number to the number of original packets is successfully received, the original packet sequence can be recovered. By accurately estimating the number of packets expected to become lost because of noise, only the minimum number of encoded packets need be generated and broadcast. (Col. 4, lines 34-41) The file can reconstructed without any errors by using the file error-correcting decoding method, despite packet loss, as long as the number of encoded packets correctly received is greater than or equal to the number of original packets. (Col. 5, lines 46-50) Encoding is performed using standard EDAC encoding schemes (Col. 7, lines 18-21) after which the codefile is transmitted to subscriber computers using packet-based broadcast protocols. (Col. 5, lines 27-30)

Applicants respectfully submit that Fisher does not teach, disclose or suggest the stated claim limitations. Fisher does not disclose how the encoding takes place, however, only a single encoding process is mentioned. Because the inner and outer decoding processes of Applicants' invention operate in a different manner from one another, the multiple encodings are not disclosed by the Fisher reference. Therefore, Applicants submit that Fisher does not disclose the following limitation: " determining a number of frames that must be received and decoded correctly by an inner decoder for an outer decoder to correctly decode the received frames" and request that the rejection of claim 1 be withdrawn.

Claim 33 is allowable for the same reasons given above for claim 1.

Claims 2 and 34 are allowable as depending directly from an allowable base claim.

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Claims 4, 7, 36, and 39 are allowable as depending directly or indirectly from an allowable base claim.

Claims 5 and 37 are allowable as depending directly or indirectly from an allowable base claim.

Claims 6 and 38 are allowable as depending directly or indirectly from an allowable base claim.

Claims 9 and 41 are allowable as depending directly or indirectly from an allowable base claim.

Claims 3, 8, 35, and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fisher in view of U.S. Patent 5,537,410 to Li (hereinafter "Li").

To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure." In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants respectfully submit that a prima facie case of obviousness has not been established regarding claims 3, 8, 35, and 40 because the prior art cited does not teach or suggest all the claim limitations. Specifically, the cited prior art does not disclose or suggest the limitation "determining a number of frames that must be received and decoded correctly by an inner decoder for an outer decoder to correctly decode the received frames" as found in Applicants' invention.

The discussion of Fisher, above, also applies to claims 3, 8, 35, and 40. Li teaches a subsequent frame variable data rate indication method. (Title) In the method of Li, a fixed frame boundary system with variable data rates inserts into a current frame an indication of the data rate of the next frame. After the first frame is received and processed at a receiver, the data rates of subsequent frames are known before processing. (Abstract)

Li does not teach or suggest "determining a number of frames that must be received and decoded correctly by an inner decoder for an outer decoder to correctly decode the received frames" as found in amended claim 1. The Examiner cites Li as teaching "informing the receiving end of the data rate (thereby includes the encoding rate and the amount of

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redundancy)". Applicant submits that Li is silent regarding the encoding rate. Applicant submits that a data rate is independent of the encoding rate. Data rate refers to the rate of transmission of data, while encoding rate may have no relation to the eventual transmission rate. Furthermore, the data rate is independent of the rate of redundancy. The data rate of frame transmission is independent of the number of redundant frames that may be required for successful decoding of the transmitted data.

The combination of Fisher and Li still does not teach or suggest the specific limitation of amended claim 1. Fisher discloses only one encoding, and therefore, actually teaches away from Applicants' amended claim 1. Adding Li does not remedy the deficiency as the combination produces a method using a single encoding step that includes the data rate of the subsequent frame in the preceding frame.

Applicant respectfully submits that claims 3, 8, 35, and 40 are allowable as depending directly or indirectly from an allowable base claim as well as for the reasons given above.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: April 28, 2006

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